

1 Honorable Richard A. Jones
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11 UNITED STATES DISTRICT COURT FOR THE
12 WESTERN DISTRICT OF WASHINGTON
13 AT SEATTLE
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15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18

19 EPHRAIM ROSENBERG,
20 JOSEPH NILSEN,
21 HADIS NUHANOVIC,
22 KRISTEN LECCESE,
23 ROHIT KADIMISETTY,
24

Defendants.

NO. CR20-151RAJ

[PROPOSED] ORDER CONTINUING
TRIAL DATE AND PRETRIAL
MOTIONS DEADLINE

25 THE COURT, having considered the Stipulated Motion to Continue Trial Date
26 and Pretrial Motions Deadline, and all the files and records herein, finds as follows:

27 1. The facts and circumstances are as set forth in the Stipulated Motion to
28 Continue Trial Date and Pretrial Motions Deadline;

29 2. The case is complex due to such factors as the nature of the charges and
30 prosecution, the potential consequences, the possible questions of law and fact, the size,
31 scope, and technical nature of discovery, and the unusual complexity of the case;

1 3. The Coronavirus Disease 2019 (COVID-19) pandemic and health-related
2 directives and considerations substantially impair counsels' ability to meet with their
3 respective clients and adequately prepare for trial, warranting a continuance of this
4 matter;

5 4. In light of the recommendations made by the Centers for Disease Control
6 and Prevention (CDC) and Public Health for Seattle and King County regarding social
7 distancing measures required to stop the spread of this disease, it is not possible to
8 proceed with a jury trial on this matter as currently scheduled, particularly given the
9 number of defendants and counsel and the anticipated witnesses and duration of trial;

10 5. Failure to grant a continuance in this case would deny counsel the
11 reasonable time necessary for effective preparation of trial and other pretrial proceedings,
12 taking into account the exercise of due diligence;

13 6. For these reasons, failure to grant a continuance could result in a
14 miscarriage of justice;

15 7. The ends of justice served by granting this continuance outweigh the best
16 interest of the public and the defendant in a speedy trial;

17 8. All these findings are made within the meaning of 18 U.S.C.
18 § 3161(h)(7)(A) and (B)(i),(ii) and (iv);

19 9. The period of time from the filing date of the Stipulated Motion to
20 Continue Trial Date and Pretrial Motions Deadline until the new trial date, set forth
21 below, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C.
22 § 3161(h)(7)(A).

23 IT IS THEREFORE ORDERED that:

24 1. The trial in this matter is continued to _____, at 9:00 a.m.;

25 2. Pre-trial motions are due no later than _____, with all pretrial
26 motions noted for consideration on the third Friday after filing, and responses thereto due
27 no later than fourteen (14) days after filing of motions;

3. The defendant shall immediately file with the Court a waiver of rights under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, through the aforementioned trial date or through February 2022, whichever is later, consistent with this Order.

DATED this ____ day of November, 2020.

HON. RICHARD A. JONES
United States District Court Judge

Presented by:

s/ Steven Masada
STEVEN MASADA
Assistant United States Attorney